

MEMO ENDORSED

BLANK  ROME LLP
COUNSELORS AT LAW

Phone: (212) 885-5166
 Fax: (917) 332-3734
 Email: RSingleton@BlankRome.com

July 13, 2012

BY FACSIMILE – (212) 805-7927

The Honorable Naomi Reice Buchwald
 United States District Court
 Southern District of New York
 500 Pearl St., Courtroom 21A
 New York, NY 10007-1312

USDC SDNY
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Re: *Optical Communications Group, Inc. v. M/V AMBASSADOR, et al.*
 Docket No. 11 Civ. 4439 (NRB)
 Our Reference No. 134508-00601

Dear Judge Buchwald:

We refer to Plaintiff's counsel's letter of yesterday. Due to the fact that it has been two weeks since my initial proposal to get to this point, we would ask that the Court add 10 days to the schedule as follows:

August 9 for Defendants' moving brief

September 10 for the Plaintiff's opposition brief; and

September 25 for Plaintiff's Reply.

The briefing dates
 are hereby modified.

Naomi Reice Buchwald
 USDC

July 16, 2012

In addition, we would ask that the Court rule that any renewed rule 56(d) motion be made after the briefing on summary judgment is complete. The parties have just fully briefed Plaintiff's Rule 56 motion and the Court denied it. It would be an unnecessary waste of time for Plaintiff to rebrief its application in its opposition to Defendants' motion, requiring Defendants to again respond in the context of Defendants' motion. The sensible alternative would be for the parties to completely brief the motion for summary judgment. If Plaintiff then still believes it requires additional discovery to respond to the motion, it can apply to the Court for permission to renew its Rule 56 motion. The Court at that time can better evaluate the merits of any such application.

The Chrysler Building, 405 Lexington Avenue, New York, NY 10174-0208
www.BlankRome.com

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Respectfully submitted,

Richard V. Singleton

RVS/nmc

cc: Michael E. Stern, Esq. (via e-mail)